



U.S. Department of Justice

*United States Attorney
Southern District of New York*

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January 31, 2025

By ECF

The Hon. Colleen McMahon
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *United States ex rel. Bassan et al. v. Omnicare, Inc. & CVS Health Corp.*,
15 Civ. 4179 (CM)

Dear Judge McMahon:

We write respectfully on behalf of the United States (the “Government”) to request the Court’s leave to file several exhibits to the Declaration of Samuel Dolinger submitted in conjunction with the Government’s motions *in limine* under a temporary 14-day seal, pursuant to the Protective Order entered by the Court on November 29, 2021, Dkt. 121.

The Court recently advised the parties that the “time for protective orders is over” as the parties “are on the eve of trial.” Dkt. 568 at 15. In light of this, earlier today, the Government conferred with Defendants as to whether they believed the relevant provisions of the Protective Order still applied. Despite the Court’s admonishment, Defendants insisted that the Government seek the temporary 14-day seal contemplated in the Protective Order for documents Defendants deem confidential.

Accordingly, the Government files this request to place Exhibits D and E to the Dolinger Declaration under temporary seal for a period of 14 days. Exhibit D is a document produced by Defendants in discovery that was marked confidential pursuant to the Protective Order; Exhibit E contains excerpts from the transcript of a deposition taken pursuant to a Civil Investigative Demand that Defendants may deem confidential.

The Government makes this request solely in an abundance of caution due to Defendants’ insistence on protective sealing under the Protective Order. The Government has no independent interest in sealing these documents and does not seek to keep them under seal.

We thank the Court for its consideration of this request.

Respectfully submitted,

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